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7 Attorney for Derrick Vincent

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 v.
13 DERRICK VINCENT,
14 Defendant.
15

Case No. 2:16-cr-00168-GMN-PAL
**STIPULATION TO ADVANCE
SENTENCING HEARING**
(First Request)

16 IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson,
17 United States Attorney, and Richard Lopez, Assistant United States Attorney, counsel
18 for the United States of America, and Rene L. Valladares, Federal Public Defender, and
19 Nisha Brooks-Whittington, Assistant Federal Public Defender, counsel for Derrick Vincent,
20 that the Sentencing Hearing currently scheduled on January 10, 2019 at 10:00 a.m., be vacated
21 and advanced to October 26, 2018, November 2, 2018 or another date and time convenient to
22 the Court.

23 The Stipulation is entered into for the following reasons:

24 1. This Court originally sentenced Mr. Vincent to serve a low-end sentence of 46
25 months imprisonment. *See* ECF No. 36. The Ninth Circuit Court of Appeals vacated his
26 sentence and remanded to this Court for resentencing without the crime of violence

1 enhancement to his base offense level. ECF No. 47. Without the crime of violence
2 enhancement, defense counsel believes Mr. Vincent's guideline range is 27-33 months.
3 Mr. Vincent has already served approximately 27-months in custody to date. Defense counsel
4 would like to request a time served sentence at the time of the resentencing hearing.

5 2. The defendant is incarcerated and does not object to the advancement.

6 3. The parties agree to the advancement.

7 This is the first stipulation to advance filed herein.

8 DATED this 12th day of October, 2018.

9 RENE L. VALLADARES
10 Federal Public Defender

DAYLE ELIESON
United States Attorney

11 */s/ Nisha Brooks-Whittington*
12 By _____

13 NISHA BROOKS-WHITTINGTON
Assistant Federal Public Defender

/s/ Richard Lopez
By _____

RICHARD LOPEZ
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,
4
5 Plaintiff,
6 v.
7 DERRICK VINCENT,
8 Defendant.

Case No. 2:16-cr-00168-GMN-PAL

ORDER

9
10 IT IS ORDERED that the sentencing hearing currently scheduled for Thursday,
11 January 10, 2019 at 10:00 a.m., be vacated and advanced to November 1, 2018 at the
12 hour of 8:00 a.m.

13 DATED this 17 day of October, 2018.

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15 _____
16 UNITED STATES DISTRICT JUDGE
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